

Applicant: Hiroaki Shizuya
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REMARKS

Prior to this Response, claims 1-55 were pending in this application, with claims 1, 3-6 and 9-24 being allowed. By the present communication, the Specification has been amended to correct errors in Table 1 so as to make the text in Table 1 match the diagrams therein and the description of the invention in paragraph [0062]. In addition, no claims have been added or cancelled and claims 7, 8, 29, 30, 43 and 55 have been amended to define Applicants' invention with greater particularity. The amendments add no new matter, being fully supported by the Specification and claims. Accordingly, claims 1-55 are presently pending with claims 1, 3-6 and 9-24 being allowed.

The Objection to the Specification

The disclosure is objected to for allegedly containing informalities caused by inconsistencies between the description in paragraph [0062] and the text in Table 1. It appears that the Examiner actually intended to refer to the description of the invention in paragraph [0064], which pertains to Table 1. To overcome the objection, by the present communication the text in Table 1 for diagrams D and E has been amended to remove inadvertent inconsistencies between the text and the diagrams and to correlate the text with the description of the invention in paragraph [0064]. In view of the amendments to the text in Table 1, Applicant respectfully requests withdrawal of the objection to the Specification.

The Objection to Claims 43-55

Applicant respectfully traverses the objections to claims 43 and 55 for alleged informalities. In addition, claims 44-54 are objected to as being dependent upon claim 43. With regard to claim 43, the Examiner asserts that line 9 recites "into the a haploid cell". To overcome the objection to claim 43, Applicant has deleted "a" from the phrase at issue so that claim 43, line 9 now recites "into the haploid cell". With regard to

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claim 55, the Examiner asserts that line 1 recites "a essential gene". As suggested by the Examiner, claim 55 has been amended at line 1 to recite the more grammatically correct "an essential gene". In view of the amendments to claims 43 and 55, Applicant respectfully requests reconsideration and withdrawal of the objections to claims 43-55.

The Rejection Under 35 U.S.C. § 112, Second Paragraph

Applicant respectfully traverses the rejection of claims 2, 7, 25 and 29 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner asserts that the phrase "resistance genes are selected to provide resistance to the group consisting of . . ." as used in claims 7 and 29, lacks clarity. To clarify the meaning of claims 2, 7, 25 and 29, claims 7 and 29 have been amended to recite: "antibiotic resistance genes are selected to provide resistance to a pair of antibiotics selected from the group consisting of ampicillin, tetracycline, kanamycin, and chloramphenicol." With regard to claims 2 and 25, the Examiner has not explained any grounds for the rejection. Therefore, Applicant assumes that the grounds for rejection of claims 2 and 25 is the same as those for rejection of claims 7 and 29. If this assumption is incorrect, Applicant requests the Examiner to contact his representative below to discuss the rejection.

Accordingly, Applicant submits that in view of the amendment the claims now meet all requirements under 35 U.S.C. § 112, second paragraph and reconsideration and withdrawal of the rejection are respectfully requested.

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The Objection to Claims 8, 26-28 and 30-42

The Examiner has objected to claims 8, 26-28 and 30-42 as allegedly being dependent upon rejected base claims and acknowledges that these claims would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims (Office Action, page 4). In response to the objection, Applicants submit that claims 7 and 29 have been amended by the present communication to overcome the rejection under 35 U.S.C. § 112, second paragraph, for the reasons set forth above. Accordingly, Applicants respectfully submit that all rejections and objections applied to the base and intervening claims for claims 8, 26-28 and 30-42 have been overcome by the above amendment and remarks. Accordingly, reconsideration and withdrawal of the objection to claims 8, 26-28 and 30-42 are respectfully requested.

In view of the above amendments and remarks, Applicants submit that all objections to and rejections of claims 1-36 are overcome and Applicants request favorable action on all pending claims. If the Examiner would like to discuss any of the

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issues raised in the Office Action, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Respectfully submitted,

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